



MEMORANDUM

To: Cannabis Caucus Members and Cannabis Stakeholders

From: Congressional Cannabis Caucus Co-Chairs Earl Blumenauer (D-OR), David Joyce (R-OH), Barbara Lee (D-CA), and Brian Mast (R-FL)

Before we engage with the policies enacted and introduced this year, we must recognize that the Congressional Cannabis Caucus lost a fierce advocate for ending the failed federal prohibition of cannabis with the passing of the late Representative Don Young, a caucus founder and co-chair. Mr. Young's dedication to ensuring Alaskans and all Americans had the opportunity for a better life not just for today, but also for tomorrow and the future, helped create the Caucus as a forum where Members can engage, discuss, and learn about the need to establish a more rational approach to federal cannabis policy. We feel his loss deeply and are committed to continuing to advance his legacy.

Year in Review: Cannabis Reform on Capitol Hill

This has been a historic year, from the enactment of the first federal standalone cannabis reform since the adoption of the Controlled Substances Act of 1971 to President Biden's marijuana reform announcement. Three states (Rhode Island, Maryland, and Missouri) took action to legalize adult-use marijuana and regulate the cannabis market. There are now 37 states with medical cannabis programs and 21 states with legal adult-use marijuana in some capacity. Nearly half of the U.S. population – more than 155 million people – now live in jurisdictions with some form of legalized adult-use marijuana.

At the federal level, members of Congress introduced a wealth of policies aimed to end the antiquated federal cannabis prohibition and address the harm caused by the discrepancies between state and federal laws and regulations. This tremendous bipartisan momentum for cannabis reform sets the stage for a productive 2023 and 118th Congress.

Polls show bipartisan public support for rationalizing drug policy is at an all-time high with [Gallup reporting](#) 68% of Americans (including the majority of Democrats, Republicans, and Independents) support legalizing marijuana.

While work remains, there have been significant developments over the course of the year.

Enacted Federal Reforms

- *The Medical Marijuana and Cannabidiol Research Expansion Act* (Blumenauer, Harris, Feinstein, Grassley, Schatz) became the first standalone federal cannabis reform enacted

since the adoption of the Controlled Substances Act of 1971. This legislation establishes a new registration process for conducting research on marijuana and for manufacturing marijuana products for research purposes and drug development. [Caucus Press Release](#)

- *Administrative Action on Marijuana Reform* to pardon federal simple possession convictions for over 6,500 people and to initiate the administrative process to review expeditiously how marijuana is scheduled under federal law.
- Fiscal Year 2023 Omnibus Provisions:
 - Language to prohibit federal Department of Justice prosecution against state-legal medical marijuana.
 - Language encouraging the Department of Veterans Affairs to not interfere with a veteran's decision to participate in such programs and document it appropriately, to the extent allowable under Federal law.
 - Joyce Language in CJS to allow JAG funding to be utilized for cannabis expungements.
 - Joyce language in FSGG Appropriations report encouraging the Biden Admin to review its policies and guidelines regarding hiring and firing of individuals who use marijuana in States where that individual's private use of marijuana is not prohibited under the law of the State.

Congressional Action on Cannabis

- *The Marijuana Opportunity Reinvestment and Expungement (MORE) Act* (H.R. 3617) (Nadler, Lee, Blumenauer, Jeffries, Jackson Lee, Velazquez) to remove marijuana from the Controlled Substances Act, provide for expungement or resentencing of most prior marijuana offenses, and regulate marijuana with measures including a 5% sales tax to invest in communities most adversely impacted by the failed War on Drugs. *Passed the House.*
- *The Medical Marijuana Research Act* ([H.R. 5657](#)) (Blumenauer, Harris) to establish a pathway for researchers to study the cannabis products consumers are using from state-legal programs, to streamline the license process for researchers seeking to conduct marijuana research, and to address the inadequate supply of medical-grade marijuana available for use in such research. *Passed the House and was later negotiated with the Senate to be signed into law as the Medical Marijuana and Cannabidiol Research Expansion Act.*
- *The SAFE Banking Act* ([H.R. 1996](#)) (Perlmutter) to prevent federal banking regulators from penalizing depository institution for providing banking services to legitimate cannabis-related businesses. To allow depository institutions to provide loans or other financial services to legitimate cannabis-related businesses and to ensure legitimate cannabis-related business activities are not considered money laundering. *Passed the House.*

- *The Veterans Equal Access Amendment* (Blumenauer, Mast) to allow Department of Veterans Affairs health providers to discuss state-legal medical cannabis and complete forms in compliance with state-legal medical cannabis programs. *Passed the House as an amendment to the National Defense Authorization Act.*
- House-Passed Appropriations Measures:
 - Joyce Language in FSGG Appropriations to allow for cannabis advertising via the FCC.
 - Joyce Interior Language (Sec. 130) to prohibit certain federal interference in tribal cannabis operations.
 - Representative Norton led the work trying to remove the Harris Rider, which prohibits the District of Columbia from spending its own local funds to commercialize recreational marijuana. The rider was not included in House-passed appropriations.
 - Language to prevent federal interference in depository financial institutions serving cannabis and cannabis-related businesses in compliance with state regulations.
- Letters to the Administration:
 - Calling for Administration Recognition of Merits of Descheduling ([Blumenauer, Joyce, Warren, Mast, Lee](#))
 - Urging the Administration to Reschedule Marijuana (Joyce, Young)
 - Urging the Biden Administration to Expand Cannabis Possession Pardons to Include Immigrants ([Ocasio-Cortez, Omar, García](#))
 - Calling on the Administration to Share Data on Financial Services Offered to Minority Cannabis Businesses ([Lee, Blumenauer](#))
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Introduced Policy Initiatives

- **Key Appropriations Efforts:**
 - Blumenauer-McClintock-Norton-Lee Language to prohibit federal Department of Justice prosecution against state- or Tribal-legal cannabis.
 - This language was amended into the CJS base bill as the Joyce-Lee Amendment.
 - Joyce-Blumenauer-Mast-Lee Safe Harbor Equal Access Veterans Amendment to establish veterans medical cannabis access in the Department of Veterans Affairs (VA) health system.
 - Joyce Language to support hemp manufacturing.
- **Descheduling, Sentencing Reform, and Regulation:**
 - *The Common Sense Cannabis Reform Act* ([H.R. 3105](#)) (Joyce, Young) to remove cannabis from the Federal Controlled Substances Act, allow states and tribal jurisdictions to develop their own cannabis laws and establish protections for banking and tribal rights in states which have not legalized cannabis, to establish a pathway for cannabis regulation, to direct federal research on cannabis.

- This bipartisan bill was the first Republican-led bill to end the federal marijuana prohibition and first legislation introduced to establish a pathway for federal cannabis regulation by calling on the federal government to develop a regulatory framework modeled after the alcohol industry.
 - *The States Reform Act* ([H.R. 5977](#)) (Mace) to remove marijuana from the Controlled Substances Act and to regulate marijuana like alcohol.
 - *The Cannabis Administration and Opportunity Act (CAOA)* ([S. 4591](#)) (Schumer, Booker, Wyden) to remove cannabis from the Controlled Substances Act, allow states to create their own cannabis laws, invest in research, public safety, restorative justice, and economic advancement, and strengthen cannabis workers' labor rights.
 - *The Harnessing Opportunities by Pursuing Expungement (HOPE) Act* ([H.R. 6129](#)) (Joyce, Ocasio-Cortez) to create a Department of Justice grant program to reduce states and local governments financial and administrative burden of expunging convictions for cannabis offenses under the laws of that state. Mandates reporting by states on the cost of cannabis criminalization and impacts on certain communities and the association between cannabis arrests and reentry into the criminal justice system.
 - First federal legislation specifically targeted at alleviating the burden of state and local cannabis convictions.
 - *The PREPARE Act* ([H.R. 7513](#)) (Joyce, Jeffries, Mast) to establish a pathway to federal cannabis regulation and remedy the unjust harms of the war on cannabis with specific focus on minority communities, veterans, and medical patients.
 - *The Marijuana Misdemeanor Expungement Act* ([H.R. 8557](#)) (Carter, Davis) to create a federal expungement mechanism and a process to petition for expungement for low-level marijuana-related violations of the Controlled Substances Act.
- **Protecting Consumers, Businesses and State-Regulated Markets:**
 - *The Ensuring Safe Capital Access for All Small Businesses Act* ([H.R. 2712](#)) (Velazquez) to increase capital access for cannabis businesses by allowing state-legal cannabis businesses to qualify for Small Business Administration loans.
 - *The Small and Homestead Independent Producers (SHIP) Act* ([H.R. 8825](#)) (Huffman) to provide an affirmative right for small cannabis producers to ship and sell their products directly to consumers within and across state lines. Takes effect only under a federal legalization framework in which marijuana has been descheduled.
 - *The CLIMB Act* ([H.R. 8200](#)) (Carter, Reschenthaler) to allow national stock exchanges to list state-licensed cannabis-related businesses on their exchanges and to prohibit federal agencies from bringing certain civil, criminal, regulatory, or administrative actions against a business or person because they provide assistance or services to a state-licensed cannabis-related business.
 - *The GRAM (Gun Rights and Marijuana) Act* ([H.R. 2830](#)) (Young) to exempt state- or tribal-legal cannabis use and addiction from the federal firearms law

prohibiting the sale or disposition of a firearm or ammunition to those who are unlawful users of or addicted to a controlled substance.

- **Veterans and Research:**

- *The Veterans Equal Access Act* ([H.R. 8197](#)) (Blumenauer, Mast) to allow Department of Veterans Affairs health providers to discuss state-legal medical cannabis and complete forms in compliance with state-legal medical cannabis programs.
- *The Veterans Medical Marijuana Safe Harbor Act* ([H.R. 2588](#)) (Lee, Joyce) to authorize a veteran to use, possess, or transport medical marijuana in accordance with applicable state or Native American tribal law, allow Department of Veterans Affairs (VA) physicians to discuss the use of medical marijuana as a treatment if the physician is in a state or on tribal land that authorizes such treatment, and to allow a VA physician to recommend, complete forms for, or register veterans for participation in a medical marijuana treatment program in accordance with applicable state or tribal law.
- *The VA Medicinal Cannabis Research Act* ([H.R. 2916](#)) (Correa) to require the Department of Veterans Affairs to conduct clinical trials of the effects of medical-grade cannabis, not just cannabidiol (CBD), on the health outcomes of covered veterans.
- *The Developing and Nationalizing Key Cannabis Research Act* ([H.R. 8540](#)) (Peters, Joyce) to direct the National Institutes of Health and the Centers for Disease Control and Prevention to expand activities concerning cannabis research.

- **Hemp**

- *The Hemp and Hemp-Derived CBD Consumer Protection and Market Stabilization Act* (H.R. 841) (Schrader) to allow the use of hemp, cannabidiol (CBD) derived from hemp, or any other ingredient derived from hemp in a dietary supplement, provided that the supplement meets other applicable requirements.
- *The Hemp Advancement Act* ([H.R. 6645](#)) (Pingree) to raise the allowable THC threshold for hemp and in-process hemp extract, remove the requirement that hemp testing occur in DEA-registered laboratories, and end the 10-year ban on people with drug-related felony convictions receiving a hemp license.

In Summary

The Congressional Cannabis Caucus has brought together a broad coalition of members from diverse communities around the country who all agree: it is time for Congress to finally reform federal cannabis policy. There will be some big changes in the next Congress, but one thing that will not change is that a majority in both the House and the Senate favor reform. We are optimistic for our ability as a caucus to help navigate these changes and make further progress.

As we transition to the 118th Congress, we must heed the calls of the American public and take bold action to end the failed war on drugs once and for all.

Medical Marijuana States (37 States, D.C., Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands)

Alabama
Alaska
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
Florida
Hawai‘i
Illinois
Louisiana
Maine
Maryland
Massachusetts
Michigan
Mississippi
Minnesota
Missouri
Montana
Nevada
New Hampshire
New Jersey
New Mexico
New York
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
Rhode Island
South Dakota
Utah
Vermont
Virginia
Washington
West Virginia
District of Columbia
Guam
Northern Mariana Islands
Puerto Rico
U.S. Virgin Islands

Adult-Use States (21 States, D.C., Puerto Rico, Guam, and the Northern Marianas Islands)

Alaska
Arizona
California
Colorado
Connecticut
Illinois
Maine
Maryland
Massachusetts
Michigan
Missouri
Montana
Nevada
New Jersey
New Mexico
New York
Oregon
Rhode Island
Vermont
Washington
District of Columbia
Guam
Northern Mariana Islands